



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



May , 2004

Mr. Edwin Bisson, President
Class A Painting, Inc.
1 Crescent Street
Henniker, NH 03242

NOTICE OF PAST VIOLATION

Re: Complaint Investigation
Locke Road – Harvard Management Building Complex
Concord, NH

Dear Mr. Bisson:

The purpose of this Notice of Past Violation ("NOPV") is to put you, as owner of Class A Painting, Incorporated ("CAP") on notice of the violation that occurred in Concord, NH on April 2, 2004.

ISSUE

On April 2, 2004, at approximately 2:00 p.m. personnel from DES investigated a complaint of an unpermitted discharge of paint laden wastewater to a storm drain located in the parking lot behind the building housing J.H. Spain Associates, Inc., located on Locke Road in Concord, NH. Reportedly, before noontime, painters were seen cleaning paint brushes and dumping off-white colored wastewater from their painting operation into the storm drain located in the parking lot behind the building. Upon investigation, DES observed paint wash water on the storm drain grate as well as in the standing water in the catch basin sump. DES photographed and collected samples from these areas and traced the drain discharge stream where it pooled in the wooded area nearby. The photographs clearly show the trail of off-white colored wastewater from the painting clean-up activities. At the site, DES representative, Tom Croteau learned that CAP was hired to paint the interior office space in the building on Locke Road.

Subsequent to this incident, a meeting was held at DES on April 8, 2004, to discuss this matter. Besides you, DES representatives George Berlandi and Mary Jane Meier were also present. At this meeting, DES notified CAP that this method of wastewater disposal is illegal, pursuant to New Hampshire Revised Statutes Annotated ("RSA") Chapter 485-A Section 13, I (a). Specifically, paint clean-up wash water and any other wastewater cannot be discharged to the ground or to the surface waters of the State, without first obtaining a permit. DES informed CAP that a maximum fine of \$4,000 could be levied against CAP based on violations of the above cited law and the Surface Water Quality Standards.

RESOLUTION

In light of the fact this is the first offense for which CAP has been cited, DES will not collect a fine from CAP. In lieu of a fine, DES requested CAP to do the following:

1. Develop an employee's training program to instruct all employees at least once per year on the legal paint clean-up procedures and disposal methods, in accordance with environmental regulations by April 26, 2004.

2. CAP shall commit no violations for a period of two years.
3. CAP is to visit the site on Locke Road and determine whether clean out of the catch basin is needed to remove any paint residue.
4. CAP is to prepare a fact sheet relative to the proper cleaning/disposal of paint (latex and/or oil based) by April 26, 2004.
5. CAP is to inform DES in writing, as to how this information will be conveyed to all employees by April 26, 2004.

CONCLUSION


Subsequent to this meeting DES received the requested information prepared by CAP on April 23, and subsequently revised on May 10, 2004. DES is satisfied with the information CAP provided after visiting the Locke Road site, and the proposed employee training contract stating CAP's policy on disposal of hazardous materials as revised.

Other than taking steps to prevent future unpermitted discharges, including employee education on proper handling of paint waste and clean-up methods, and items discussed at our meeting on April 8, 2004, no further action relative to this discharge is required.

Please note that CAP is responsible for complying with all applicable federal and state requirements, whether found in statutes, rules or applicable permit(s) and this letter does not provide relief against any other existing or future violations. This applies to any person authorized by CAP to dispose of waste material as well.

If you have any questions regarding this Notice of Past Violations, please contact Mary Jane Meier at (603) 271-5553.

Sincerely,


COPY
John R. Bush, P.E.
Administrator
Wastewater Engineering Bureau

CERTIFIED MAIL: 7000 1670 0000 0585 6809

Gretchen R. Hamel – DES Legal Unit Administrator
Mitch Locker – DES WSEB
Joy Hilton, US EPA, Water Technical Unit